

IN RE: PETITION FOR ZONING VARIANCE
S/S Aigburth Road, 421.75'
E of York Road
(8 and 10 Aigburth Road)
9th Election District
4th Councilmanic District
Benjamin Petrilli, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-93-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setbacks of 15 feet each for Lots 1 and 2 in lieu of the required 25 feet for each lot for two proposed dwellings as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mrs. Ida Petrilli, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of October, 1988 that the Petition for Zoning

ing Variance to permit side yard setbacks of 15 feet each for Lots 1 and 2 in lieu of the required 25 feet for each lot for two proposed dwellings in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Only single-family dwellings shall be permitted to be constructed on each lot.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3533

J. Robert Haines
Zoning Commissioner

October 6, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Benjamin A. Petrilli
14006 Quinn Lane
Baldwin, Maryland 21013

RE: PETITION FOR ZONING VARIANCE
S/S Aigburth Road, 421.75' E of York Road
(8 and 10 Aigburth Road)
9th Election District - 4th Councilmanic District
Benjamin Petrilli, et ux - Petitioners
Case No. 89-93-A

Dear Mr. & Mrs. Petrilli:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District: 9th Date of Posting: 9/9/88
Posted for: Variance
Petitioner: Benjamin Petrilli, et ux
Location of property: S/S Aigburth Rd, 421.75' E of York Rd
7+10 Aigburth Rd
Location of Sign: Facing Aigburth Rd, approx 20' from roadway
on property of Petitioner
Remarks: See property of Petitioner
Posted by: [Signature] Date of return: 9/9/88
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 2, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 1, 1988.

THE JEFFERSONIAN,

S. Zake Orlov
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance to the Zoning Regulations of Baltimore County, in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 2:00 p.m. on September 14, 1988 at 2:00 p.m.
Petitioner: Benjamin Petrilli, et ux
Hearing Date: September 14, 1988 at 2:00 p.m.
Variance to allow side yard setbacks of 15 feet each for Lot 1 and Lot 2 in lieu of the required 25 feet setbacks for each lot for two proposed dwellings as more particularly described in Petitioner's Exhibit 1.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day period of appeal. The Zoning Commissioner will, however, entertain any request for a stay of the enforcement of said ordinance. Such request must be in writing and presented in the office of the Zoning Commissioner on or before the date of the hearing and shall be presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
9008 Sept. 1

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1. To allow side yard setbacks of 15 feet each for Lot 1 and Lot 2 in lieu of the required 25 feet for each lot.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. My request does not deviate from what already exists. The houses west of 10 Aigburth have side yards of 8.5 ft. and 12 ft. respectively.
2. The 15 ft. side yards with a 40 ft. front house produce a balanced appearance. Fifty-five ft.(15/40) for the width of the rear house and 55 ft. for the front house equal 110 ft., the width of each lot.
3. The balanced appearance would enable the rear house to maintain its value.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Ida Ann Petrilli

(Type or Print Name)

Signature

Benjamin Anthony Petrilli

(Type or Print Name)

Signature

14006 QUINN LA. SP-2089

Address Phone No.

Baltimore Md. 21013

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

ORDERED BY: The Zoning Commissioner of Baltimore County, this 13th day of July, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of Sept, 1988, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING (-1/2HR.) *1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER (check)
REVIEWED BY: [Signature] DATE 6-29-88

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., September 2, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS-MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 1, 1988.

TOWSON
OWINGS-MILLS TIMES,

PO# 04081
REQ# M18925
\$55.10

S. Zake Orlov
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance to the Zoning Regulations of Baltimore County, in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 2:00 p.m. on September 14, 1988 at 2:00 p.m.
Petitioner: Benjamin Petrilli, et ux
Hearing Date: September 14, 1988 at 2:00 p.m.
Variance to allow side yard setbacks of 15 feet each for Lot 1 and Lot 2 in lieu of the required 25 feet setbacks for each lot for two proposed dwellings as more particularly described in Petitioner's Exhibit 1.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day period of appeal. The Zoning Commissioner will, however, entertain any request for a stay of the enforcement of said ordinance. Such request must be in writing and presented in the office of the Zoning Commissioner on or before the date of the hearing and shall be presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
17032 Aug. 31

DON LYNCH & ASSOCIATES, INC.
CONSTRUCTION LAYOUT
4907 HARFORD ROAD
BALTIMORE, MARYLAND 21214
TEL. 854-4936

DESCRIPTION
LOT 1

Beginning for the same at an iron pipe (1/2 inch) now set on the South side of Aigburth Road at a point distant 401.75 Feet measured in a Southeasterly direction along the South side of Aigburth Road, from the intersection of the Easternmost side of the York Turnpike Road with the South side of Aigburth Road, and running thence and binding along the said South side of Aigburth Road, 50 Feet wide, South 74 degrees 00 Minutes East 90.75 Feet to a 1/2 inch iron pipe, now set, at the Beginning point of a Deed Dated October 31, 1973 and was conveyed by Harry E. West to A. Eric Dott and Esther J. Dott and recorded among the land records of Baltimore County in Liber 5405 Page 636 and running thence and binding along the First line of said Deed, in Part, South 16 Degrees 00 Minutes West 115.00 Feet to a 1/2 inch iron pipe now set, thence leaving the said First line and running for new lines of Division through the Lands described in Deed Dated May 29, 1980 and recorded among the land records of Baltimore County, in Liber 6168 Page 750, the two following courses and distances to wit:
1. North 74 Degrees 00 Minutes West 90.75' to a 1/2" iron pipe
2. North 16 Degrees 00 Minutes East 115.00 Feet to the place of Beginning.

Containing 10436 Square Feet or 0.2396 Acres of land more or less. Lying and being in, the Ninth Election District, Baltimore County, Maryland.

DON LYNCH & ASSOCIATES, INC.
CONSTRUCTION LAYOUT
4907 HARFORD ROAD
BALTIMORE, MARYLAND 21214
TEL. 854-4936

DESCRIPTION
LOT 2

Beginning for the same at an iron pipe now set on the South side of Aigburth Road at a point distant 401.75 Feet measured in a Southeasterly direction along the South side of Aigburth Road from the intersection of the Easternmost side of the York Turnpike Road with the South side of Aigburth Road, said place of Beginning being the Beginning of the Second line of that Deed Dated December 21, 1951 and was conveyed by Charles H. Reier and Dorothy E. Reier, His Wife, to Henry S. Reier and Mary R. Reier, His Wife, and recorded among the land records of Baltimore County in Liber 2056 Folio 397 and running thence and binding along the Second line of above mentioned Deed South 16 degrees 00 Minutes West 225.00 Feet to a 1/2 inch iron pipe now set 15 feet from the end thereof, said pipe being also the Northwestern Most corner of an alley (unimproved) 20 Feet wide as shown on "KIRILEY PLAT" recorded among the land records of Baltimore County in Plat Book 8 Folio 35 and running thence and binding along the Northernmost side of said alley South 74 Degrees 00 Minutes East 110.75 Feet to a 1/2 inch iron pipe now set at the end of the First line of that Deed Dated October 31, 1973 and was conveyed by Harry E. West to A. Eric Dott and Esther J. Dott and recorded among the land records of Baltimore County in Liber 5405 Page 636 and running thence and binding reversely along Part of said First line North 16 Degrees East 110.00 Feet to a 1/2 inch iron pipe, now set, thence for new lines of division, through the lands described in Deed Dated May 29, 1980 and recorded among the land records of Baltimore County in Liber 6168, Page 750, the two following courses and distances
1. North 74 Degrees 00 Minutes West 90.75 Feet to a 1/2 inch iron pipe
2. North 16 Degrees 00 Minutes East 115.00 Feet to a 1/2 inch iron pipe now set on the Southernmost side of Aigburth Road, 50 Feet wide, thence running and binding along the Southernmost side of Aigburth Road North 74 Degrees 00 Minutes West 20.0 Feet to the place of Beginning.

Containing 14,482 Square Feet or 0.3325 acres of land more or less. Lying and being in the Ninth Election District, Baltimore County, Maryland

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Date: 7/15/88

Re: Petition for Zoning Variance
CASE NUMBER: 89-93-A
S/5 Albright Road, 421.75' E York Road
(8 and 110 Albright Road)
9th Election District - 4th Councilmanic
Petitioner(s): Benjamin Petrilli, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 28, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Petrilli:

Please be advised that \$105.73 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059157
DATE: 7/15/88 ACCOUNT: 2-01-615-000
AMOUNT: \$105.73
RECEIVED BY: B. Petrilli
FOR: Posting & Advertising (CP-73-A)
8 8 5 *****1057312 1261F

post set(s), three each set not

89-93-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 13th day of June, 1988.

Petitioner Benjamin A. Petrilli, et ux
Petitioner's Attorney
Received by: J. Robert Haines, Zoning Commissioner
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: Pat Keller, Deputy Director
SUBJECT: Zoning Advisory Committee Comments

Petrilli Panhandle - No. 477 - Zoning Petition 89-93-A
The Office of Planning and Zoning has no comment regarding this request.

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

August 5, 1988

NOTICE OF HEARING

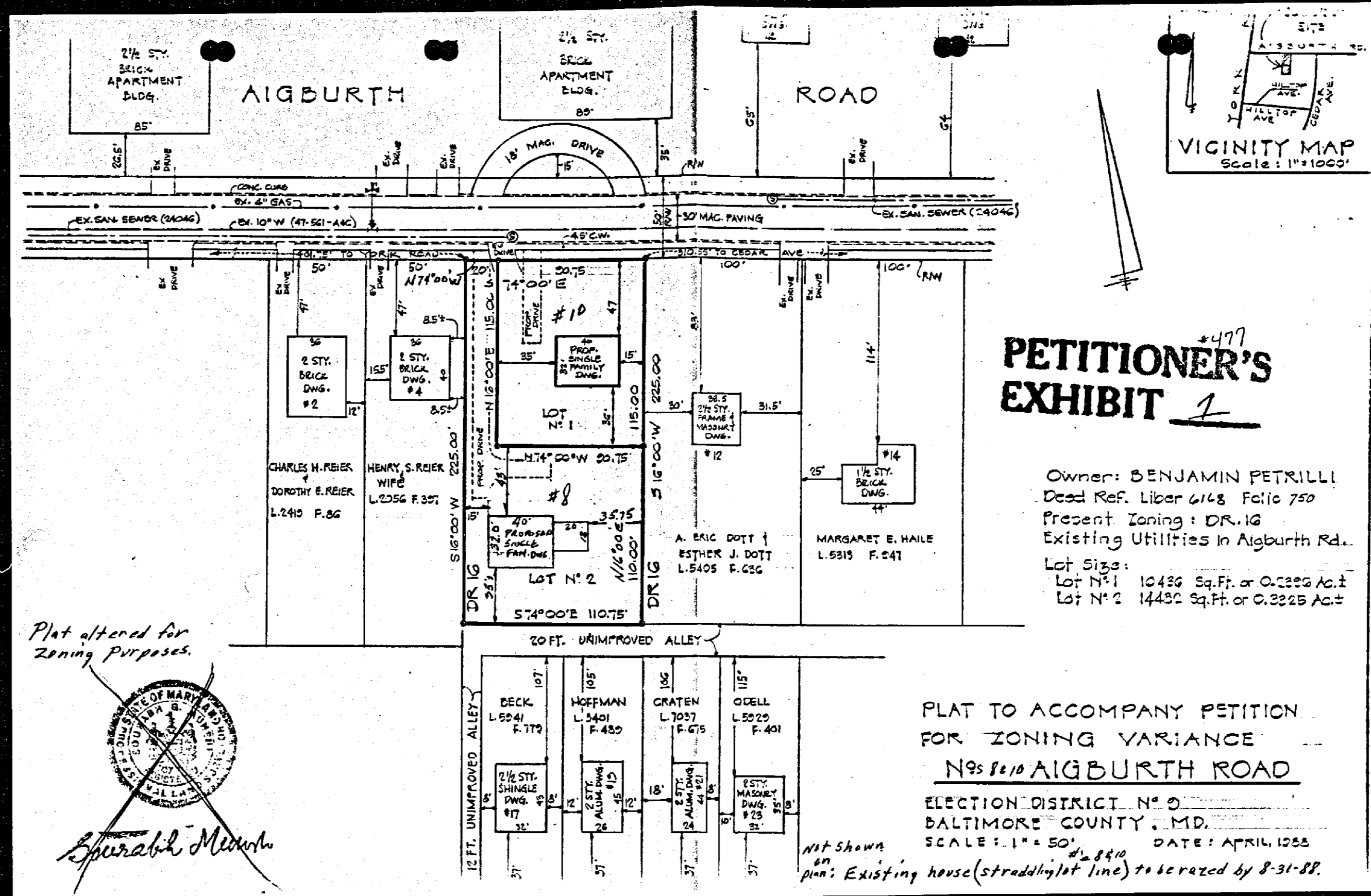
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein as follows: 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance

CASE NUMBER: 89-93-A
S/5 Albright Road, 421.75' E York Road
(8 and 110 Albright Road)
9th Election District - 4th Councilmanic
Petitioner(s): Benjamin Petrilli, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 28, 1988 at 2:00 p.m.
Variance to allow side yard setbacks of 15 feet each for Lot #1 and Lot #2 in line of the required 25 feet for each.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Benjamin A. Petrilli, et ux
File



Owner: BENJAMIN PETRILLI
Dead Ref. Liber 418 Folio 750
Present Zoning: DR-1G
Existing Utilities in Albright Rd.
Lot #1: 10433 Sq. Ft. or 0.2385 Ac.
Lot #2: 14432 Sq. Ft. or 0.3285 Ac.

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
N/9 S/5 ALBRIGHT ROAD

ELECTION DISTRICT: N/9
BALTIMORE COUNTY, MD.
SCALE: 1" = 50' DATE: APRIL 1988
Note: Existing house (straddling line) to be razed by 8-31-88.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 20, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. & Mrs. Benjamin A. Petrilli
14006 Quinn Lane
Baltimore, Maryland 21013

RE: Item No. 477 - Case No. 89-93-A
Petitioner: Benjamin A. Petrilli, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Petrilli:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:et

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 605
Towson, Maryland 21204
494-3334

August 3, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 449, 472, 473, 477, 478, 479, 481, 483, 484, 485 and 486.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/EE/LAB

RECEIVED
AUG 8 1988
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #477 - Zoning Advisory Committee Meeting of July 13, 1988
Property Owner: Benjamin Petrilli
Location: S/5 Albright Rd. District 9
Water Supply: mta Sewage Disposal: mta

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3375, to obtain requirements for such installations before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint process, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhaust into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any character of operation which has a cooling surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service plans and approval of the food service operation must be submitted to the Division of Health and Mental Hygiene for review and approval.
- () Prior to approval of a substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpool, hot tub, water and sewerage facilities or other apparatuses pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3311.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Health and Mental Hygiene.
- () If lubrication work and all changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to testing of existing structures, petitioner must contact the Division of Waste Management at 494-3704, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3704.
- () Soil permeation tests, have been conducted.
- () The results are well within limits.
- () Soil permeation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the possibility of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others

J. R. Haines
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Please File
89-93-A

18 Albright Road
Towson, MD 21204
September 28, 1988

Mr. J. Robert Haines, Zoning Commissioner
Baltimore County
Office of Planning and Zoning
Towson, MD 21204

Re: Request for Setback Variance
10 Albright Road
Towson, Maryland

Dear Mr. Haines:

Representatives of the Towson Manor Association met with the owner of the property of 10 Albright Road to review his request for the side yard setback variances that are presently under consideration. At our September community association meeting the members voted to support the request for variance.

Although the association feels that the construction of paneled lots is incompatible with our neighborhood, we believe that staggering the houses will have less detrimental aesthetic impact than constructing the houses back-to-back.

Sincerely,

Kenneth R. Kinney

KRK/stn

RECEIVED ZONING OFFICE
DATE: 8/24/88



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 17, 1996

Mr. Benjamin A. Petrilli
8 Aigburth Road
Towson, MD 21286

RE: Zoning Verification
8 Aigburth Road
9th Election District

Dear Mr. Petrilli:

Your letter of July 8, 1996 has been forwarded to me for response. Although your property does meet the conversion table found in Section 402 of the Baltimore County Zoning Regulations (BCZR) to allow conversion to a three apartment dwelling, zoning case #89-93-A has a restriction which seems to prohibit conversion (order enclosed).

Therefore, prior to this office being able to grant a change of occupancy permit, a special hearing to remove the second restriction in zoning case #89-93-A must be granted.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Catherine A. Milton".

Catherine A. Milton
Planner I
Zoning Review

CAM:rye

c: zoning case #89-93-A

Enclosures

